IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MR JUSTICE BILAL NAZKI

and
THE HONOURABLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.16383 of 1992

Between:

1 P.Subbaiah, S/o. P.Kondappa, Aged 65 years, Mine Owner,

Rayalacheruvu, Yadiki Mandal, Ananthapur.
2 A.Ramachandran, S/o. Ranganatham, Aged 40 years,
Business, R/o. 1-125, Near Railway Station, Cuddapah.

..... PETITIONERS

AND

1 The State of A.P., Rep. Secretary to Government, Industries and

Commerce Department, Secretariat, Hyderabad.
2 The Deputy Director of Mines and Geology, Cuddapah.
having its Office at Kurnool.
3 The Assistant Director of Mines and Geology, Ananthapur.
4 The Union of India, Ministry of Steels and Mines, Department of Mines,

represented by its Secretary, Sastry Bhavan, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the ordinance No. 7 of 1992 dated 15/02/1992 issued by the 4th respondent as illegal and unconstitutional and directing the respondents 1 to 3 not to collect the taxes, cess and interest thereon under the A.P. Mineral Rights Tax Act, 1975 and A.P. District Boards Act, 1920 as demanded by the 3rd respondent vide his Demand Notices dated 31/08/1992, 22/08/1992 and 1/09/1992 respectively issued in favour

of the petitioners.

Counsel for the Petitioners: MR. K. Dwarakanath

Counsel for the Respondent Nos.1 to 4: GP FOR INDUSTRIES & COMMERCE

The Court made the following:

ORDER: (Per Hon'ble Mr. Justice Bilal Nazki)

Heard learned Counsel for the parties.

As the matter is covered by the judgment of the Supreme Court reported in **District Mining Officer v. Tata Iron and Steel Company**, we set aside the impugned notices dated 31.8.1992, 22.8.1992 and 1.9.1992 and allow the writ petition. No costs.

_____

BILAL NAZKI, J

_____

S. ANANDA REDDY, J

Date : August 16, 2004.

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Industries and Commerce Department,

Government of Andhra Pradesh, Secretariat, Hyderabad.

2 The Deputy Director of Mines and Geology, Cuddapah.
having its Office at Kurnool.

3 The Assistant Director of Mines and Geology, Ananthapur.

4 The Secretary, Ministry of Steels and Mines, Department of Mines,

Union of India, Sastry Bhavan, New Delhi.

5 Two CCs to the Government Pleader for Industries and Commerce,

High Court of Andhra Pradesh, Hyderabd.

6 Two C.D. copies.